

REMARKS

Applicant respectfully requests reconsideration of the present application in view of the foregoing amendments and in view of the reasons that follow. A detailed listing of all claims in the application, irrespective of whether the claims remain under examination, is presented with appropriate, defined status identifiers.

Claims 3, 5 and 11-30 were canceled in a previous amendment. Claim 1 is amended. Claims 32-46 are added. As such, Claims 1, 2, 4, 6-10, and 31-46 are pending in this application.

Claims 1 - 2, 4 and 6 - 10

In Section 4 of the Office Action, Claims 1 - 2, 4, 6 - 10 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Sheriff *et al.* (US 2002/0065564) in view of Lappetelainen *et al.* (US 7,072,697), hereinafter referred to as Sherrif and Lappetelainen. Applicants respectfully traverse the rejection.

In the Response to Arguments section of the Office Action, the Examiner states:

Examiner respectfully disagrees with Applicants' assertion that Sheriff does not teach the claimed low power standby feature (See Page 3, 1st Paragraph). The primary content manager (100) of Sheriff, which is the server, transfers content, which is content synchronization, to the secondary DCMD and the mobile DCMD. Sheriff further teaches wherein said content synchronization can be accomplished via the Bluetooth protocol (See Section 0039). **Any Bluetooth enabled device in a Bluetooth system desiring to make a connection can enter the paging and/or inquiry mode wherein the device can send out paging and/or inquiry messages.** The Bluetooth enabled devices that do not transmit are in standby mode and said standby devices listen for said page and/or inquiry messages. When the device that is in standby receives the proper inquiry and paging message said device will transition to the active state, which consumes more power than the standby state, and a piconet will thus be established. The primary content manager thus, based on the evidence set forth above, can send out the inquiry and/or paging messages to the secondary

DCMD and the mobile DCMD. The mobile DCMD thus, based on the evidence set forth above, can listen for said page and/or inquiry messages while in standby mode. When said mobile DCMD receives the proper inquiry and paging message said mobile DCMD will transition from the standby state to the active state. A piconet will therefore be formed such that content synchronization can take place. Sheriff thus teaches the limitation in question.

(Office Action, pages 2-3, emphasis added.)

Applicants respectfully disagree. First, in paragraph [0039], Sheriff indicates that it may perform transmissions by any communication protocol, such as the Bluetooth communications protocol. The fact that Sheriff may transmit communications using Bluetooth protocol does not suggest or teach the use of portable devices that receive using features like transitioning from a low power to an active state.

Second, Applicants respectfully point out that the entire discussion of Bluetooth technology given by the Examiner in the quoted section above is not found in Sheriff. Sheriff only briefly mentions that transmissions it describes can be performed by “by Bluetooth communications protocol.” (Sheriff, para. [0039].) The present application claims priority to provisional applications filed March 17, 2003 and May 20, 2003. Much of the development of Bluetooth technology came after these dates. Applicant respectfully requests the Examiner provide a reference including the teachings he attributes to Bluetooth technology and pre-dates the priority date of the present application.

Third, even assuming, *arguendo*, that Bluetooth technology existed as described by the Examiner prior to the present application, there is nothing in Sheriff that indicates the system it describes would operate as claimed by Applicants in Claim 1. Sheriff describes a system that polls for signals from other devices within transmission range. Polling is a technique in which one device continually interrogates other devices to see if the other devices have data to transfer. Sheriff does not describe a portable device which responds to a “signal to initiate an automatic process of content synchronization” from a server computer by “transition[ing] from a standby

state to an active state ...[and] actively perform content synchronization,” as in claim 1. Thus, in addition to the fact that Sheriff never mentions a device transitioning to an active state, Sheriff never describes the use of a signal to initiate automatic synchronization.

On pages 4 and 5 of the Office Action, the Examiner admits:

Sheriff does not teach a portable device comprising: a wireless receiver subsystem comprising a wireless receiver and a wireless transceiver subsystem, in communication with the wireless receiver subsystem, wherein the wireless receiver subsystem responds to the signal when received by the wireless receiver to cause the wireless transceiver subsystem to transition from a standby state to an active state in which the wireless transceiver subsystem uses the wireless transceiver to actively perform content synchronization with the server computer, and wherein the wireless transceiver subsystem consumes less power in the standby state than in the active state.

For these teachings, the Examiner refers to Lappetelainen.

However, according to the specific sections referred to by the Examiner, Lappetelainen describes a device that operates in sleep mode or idle mode until a wake-up event is received at which point a controller determines if the device is actually in passive mode. (Col. 10, lines 1-13.) If the device is in passive mode because of time remaining on a timer, it remains in passive mode and when the timer expires an advertisement is sent out. (Col. 10, lines 45-54.)

First, Lappetelainen never mentions or suggests use of “a signal to initiate automatic synchronization.” Second, as clearly shown in Fig. 6, Lappetelainen teaches the use of two different types of active modes, a “power up I” mode and a “power up II” mode, and the use of a timer which dictates whether a device enters full active status. In Col. 10, lines 9-13, Lappetelainen states:

The controller determines, if the device is actually in a passive mode e.g. by reading out the status of a timer and suppresses the detected wake up event if the device is in the passive mode and returns to the passive mode (without resetting the timer).

Lappetelainen does not teach the following features of Claim 1:

wherein the wireless receiver subsystem **responds to** the signal when received by the wireless receiver **to cause** the wireless transceiver subsystem **to transition** from a standby state to an active state in which the wireless transceiver subsystem uses the wireless receiver to actively perform content synchronization with the server computer ...

(Emphasis added.) The device in Lappetelainen does not “respond to” a signal and cause the device “to transition” to an active state. Rather, Lappetelainen uses a timer which turns on and off the idle or sleep mode. (See Col. 10, lines 45-49.)

Applicants respectfully submit that the combination of Sheriff and Lappetelainen does not teach or suggest the transition from a standby state to an active state to actively perform content synchronization. Neither reference describes the use of a signal to initiate automatic synchronization. Sheriff never mentions a device transitioning to an active state, and Lappetelainen does not teach responding to a signal to transition to an active state to actively perform content synchronization. Instead, Lappetelainen uses a timer which delays entry into an active mode. For at least the foregoing reasons, Applicants respectfully request withdrawal of the rejection.

Claim 31

In Section 5 of the Office Action, Claim 31 is rejected under 35 U.S.C. 103(a) over Sheriff in view of Lappetelainen as applied to Claim 1, and further in view of Karaoguz et al. (US 2004/0029621, hereinafter Karaoguz). Applicants respectfully traverse the rejection.

Claim 31 depends from Claim 1. As discussed above, the combination of Sheriff and Lappetelainen does not teach or suggest all of the elements of Claim 1. Karaoguz does not provide the missing teachings. For this reason alone, the rejection of Claim 31 should be withdrawn.

With respect to Claim 31, the Examiner comments:

Sheriff in view of Lappetelainen does not teach a synchronization budget manager which limits time during which the wireless transceiver subsystem of the portable device is in the active state as a function of an amount of power, which is allowed to be expended on content synchronization.

(Office Action, page 7.)

The Examiner points to Karaoguz as providing the missing teaching. The Examiner states:

Karaoguz teaches a power controller, which limits time during which the wireless transceiver subsystem of the portable device is in the active state as a function of an amount of power, which is allowed to be expended on content synchronization (Sections: 0014, 0046 lines 14 -15, 0052 lines 7 - 8, 0055 lines 4 -13, the power controller is acting as the synchronization budget manager).

(Office Action, pages 7-8.)

However, in the sections cited by the Examiner, Karaoguz describes a low power mode that “is selected” where only certain elements receive power on a periodic basis. Karaoguz states: “Accordingly, as it may be seen in row 202, the WLAN/WPAN receives power periodically to enable it to search for and download messages, while the pager/SMS and cell phone are not powered on (unless specifically selected).” (Para. [0055], lines 11-15.) Applicants’ claimed invention is not directed to “periodically” enabling searching for and downloading messages, as Karaoguz teaches. Rather, Claim 1 involves a “wireless receiver subsystem [that] responds to the signal when received by the wireless receiver to cause the wireless transceiver subsystem to transition from a standby state to an active state ... to actively perform content synchronization with the server computer.” (Emphasis added.)

Applicants respectfully request withdrawal of the rejection of Claim 31.

New Claims 32-46

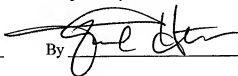
Claims 32-46 have been added. Applicants respectfully submit that new Claims 32-36 are allowable at least for the same reasons as provided above for Claims 1, 2, 4, 6-10, and 31.

Applicant believes that the present application is now in condition for allowance. Favorable reconsideration of the application as amended is respectfully requested.

The Examiner is invited to contact the undersigned by telephone if it is felt that a telephone interview would advance the prosecution of the present application.

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 19-0741. Should no proper payment be enclosed herewith, as by the credit card payment instructions in EFS-Web being incorrect or absent, resulting in a rejected or incorrect credit card transaction, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 19-0741. If any extension of time is needed for timely acceptance of papers submitted herewith, Applicant hereby petitions for such extension under 37 C.F.R. §1.136 and authorizes payment of any such extension fee to Deposit Account No. 19-0741.

Respectfully submitted,



Date April 21, 2009

By

FOLEY & LARDNER LLP
Customer Number: 23524
Telephone: (608) 258-4292
Facsimile: (608) 258-4258

Paul S. Hunter
Attorney for Applicant
Registration No. 44,787